

## **REMARKS**

### **A. Status of the Claims and Amendments**

By the present amendment, claims 5, 63, and 140 have been amended to define the invention with greater particularity and specificity. Claims 107-114, 117, and 118 have been canceled without prejudice. Claims 101 and 102 were canceled previously. New claim 142 has been added. No new matter has been added in the amendments to claims 5, 63 and 140 or with the new claim 142.

More specifically, the compound recited in the newly added claim 142 is shown on page 28 (paragraph [0070], right hand compound) and in the table on page 31 (paragraph [0072]), compound III-22, where R = H.

In view of the foregoing, it is submitted that the amendments place the claims in condition for allowance. Entry of the amendments is respectfully requested. Following the entry of the amendments, claims 1-100, 103-106, 115, 116, and 119-142 will be pending. Claims 1-4, 6-62, 64-100, 115, 116, and 119 have been withdrawn from consideration as being drawn to a non-elected invention. Claims 5, 63, 103-106, and 140-142 remain under consideration.

### **B. Brief Summary of Telephonic Interviews**

The Examiner and Victor Repkin, Applicants' representative, conducted two telephonic interviews on June 23, 2006 and June 26, 2006. The purpose of the interviews was to determine the scope of patentable claims and clarify various statements in the office action. It was agreed that the scope of the currently elected matter that is under examination is as shown on page 4, lines 10-15 of the Office Action.

The Examiner and Victor Repkin have agreed that claims 5, 63, 103-114, 117, 118, 140, and 141 contain allowable subject matter and will be allowed as soon as the

non-elected matter is removed from these claims. The Examiner has emphasized that the cancellation of the non-elected matter is necessary for the issuance of the Notice of Allowance. The Examiner has confirmed that after the search he has conducted, he found no relevant prior art and that consequently the elected subject matter is free of prior art. The Applicants thank the Examiner for his helpful suggestions for expediting allowance of the pending claims.

**C. Claims Objections**

The Examiner has objected to claims 5, 63, 103-114, 117, 118, 140, and 141 as containing both elected and non-elected subject matter. By the present amendment claims 107-114, 177, and 118 have been canceled without prejudice and the non-elected subject matter has been deleted from claims 5, 63, and 140. Accordingly, it is submitted that the objection no longer applies. Withdrawal of the objection and reconsideration are respectfully requested.

In Re Application Of:  
Wrasidlo et al.  
Application No. 10/679,209  
Filed: October 2, 2003  
Page 38

PATENT  
Attorney Docket No. TARG1110-3

### CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No fee is deemed necessary in connection with this response. However, if any fee is due, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 07-1896 referencing the above-identified docket number. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: July 5, 2006



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer No. 28213